

### REMARKS

Applicants have amended claim 8 to correct an inadvertent error without changing claim scope.

Applicants thank the Examiner for allowing claims 1 and 3-7.

Claims 8-11 have been rejected under 35 USC 112, second paragraph, as indefinite because the expression “the first semiconductor layer” has insufficient antecedent basis in the claim. This rejection is overcome by the amendment to claim 8 to recite “the first semiconductor portion” in compliance with the Examiner’s suggestion.

Claims 8 and 9 have been rejected under 35 USC 102(a) and (b) as anticipated by Japanese Patent Application Publication No. Hei. 06-230420 (Ozaki). Applicants respectfully traverse this rejection.

First, claim 8 recites forming a metal wiring connecting the first semiconductor portion and the second conductor portion. The Examiner contends that Ozaki’s film 11 corresponds to the claimed metal wiring. However, Ozaki’s film 11 is made of ITO. See Ozaki’s paragraph [0027] and its translation that was submitted by applicants with the Information Disclosure Statement dated July 25, 2005. ITO is indium tin oxide, which is not a metal, so Ozaki’s film 11 made of ITO is not a metal wiring as claimed.

Second, claim 8 recites forming an insulating film on the first semiconductor portion and the second semiconductor portion that are formed on the substrate, forming a gate electrode on the insulating film and forming a storage capacitor electrode on the insulating film. Because the gate electrode and the storage capacitor electrode are formed on the insulating film as claimed, that insulating film must have been formed on the substrate at or before the time when the gate and storage capacitor electrodes are formed. The Examiner equates Ozaki’s glass substrate 1 to the claimed substrate, Ozaki’s SiN film 4 to the claimed insulating film, Ozaki’s gate electrode 2 to the claimed gate electrode and Ozaki’s capacitor lower electrode 3 to the claimed storage capacitor electrode. However, Ozaki’s gate electrode 2 and capacitor lower electrode 3 are first formed on Ozaki’s glass substrate 1, and then Ozaki’s SiN film 4 is formed on the gate electrode

2 and the capacitor lower electrode 2. See Ozaki's paragraphs [0021] and [0022] and their translations. Thus, Ozaki's gate electrode 2 and capacitor lower electrode 3 cannot be formed on the insulating film 4 as claimed.

The rejection of claims 8 and 9 under 35 USC 102(a) and (b) on Ozaki should be withdrawn because Ozaki does not teach or suggest the claimed invention as a whole.

The remaining rejection relies on Ozaki and thus should be withdrawn as well because Ozaki does not provide the teachings for which it is cited.

In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to

**Deposit Account No. 03-1952**, referencing Docket No. **492322014700**.

Respectfully submitted,

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By



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